

**PROTECO SUPERFUND SITE, PENUELAS, PUERTO RICO  
EPA CERCLA REQUEST FOR INFORMATION  
ATTACHMENT II**

**GENERAL RESPONSE/OBJECTIONS**

Each response by BASF Agrochemical Products BV, Puerto Rico Branch d/b/a/ BASF Agricultural Products de Puerto Rico (hereinafter the "Company") to the Requests shall be subject to the general objections set forth in our May 16, 2019 response, whether or not such objection is incorporated expressly into each response. The Company reserves the right to make changes to the response if, at any time, more complete information is discovered. The Company will supplement this response if any additional, responsive information is obtained by its investigation.

**RESPONSES TO THE REQUEST**

1. *Answer the following questions regarding the Company:*
  - a. *State the correct legal name and mailing address for the Company;*
  - b. *State the name(s) and address(es) of the President, Chief Executive Officer, and the Chairman of the Board (or other presiding officer) of the Company;*
  - c. *Identify the state/commonwealth and date of incorporation of the Company and the name of its agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different; and*
  - d. *Identify any successor corporations, predecessor corporations, or other entities related to the Company. If the Company is or was a subsidiary or affiliate of another corporation or entity, identify each of those other entities' Chief Executive Officers, Presidents, and Chairpersons of the Board. Identify the state/commonwealth and date of incorporation and agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different, for each entity identified in your response to this question.*

**Response:**

- a. The correct legal name and mailing address for the Company is as follows:

BASF Agrochemical Products B.V., Puerto Rico Branch  
d/b/a/ BASF Agricultural Products de Puerto Rico  
State Road #2 KM 47.3  
P.O. Box 243  
Manati, PR 00674

- b. The names and addresses of the President, Chief Executive Officer, and the Chairman of the Board (or other presiding officer) of the Company

Ricardo Morales, Site Director  
BASF Agrochemical Products B.V., Puerto Rico Branch  
d/b/a/ BASF Agricultural Products de Puerto Rico  
State Road #2 KM 47.3  
Manati, PR 00674



- c. The state/commonwealth and date of incorporation of the Company and name of its agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different, is as follows:

Place of incorporation:	The Netherlands
Date of incorporation:	May 29, 2000
Agent for Service or Process:	CT Corporation System 361 San Francisco Street San Juan, PR 00901

- d. *The identify of any successor corporations, predecessor corporations, other entities related to the Company and, if the Company is a subsidiary or affiliate of another corporation or entity, the identify of each of those other entities' Chief Executive Officers, Presidents, and Chairpersons of the Board and the identify the state/commonwealth and date of incorporation and agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different, for each entity identified are as follows:*

Successor Corporation(s):	None
Predecessor Corporation(s):	None
Other entities related to the Company:	None
Is the Company a subsidiary or affiliate:	Yes, the Company is a wholly-owned subsidiary of BASF Nederlands B.V.

2. *State the corporate history of the Company, including all name changes and mergers. List all names under which the Company has operated and has been incorporated. For each other name, provide the following information:*
- Whether that other company or business continues to exist, indicating the date and means by which it ceased operations (e.g. dissolution, bankruptcy, sale) if it is no longer in business;*
  - Names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of that other company.*

Response: Cyanamid Agricultural de Puerto Rico, Inc. ("CAPRI") transferred assets related to the Facility to BASF Antwerpen N.V., pursuant to an Asset Purchase Agreement and Assumption Agreement between CAPRI and BASF Antwerpen N.V., dated June 30, 2000. BASF Antwerpen N.V. incorporated BASF Agrochemical Products B.V. and contributed in-kind against the issuance of shares into BASF Agrochemical Products B.V. On or about December 21, 2001, BASF Antwerpen N.V. sold the shares in the capital of BASF Agrochemical Products B.V. to BASF Nederlands B.V., who remains the sole shareholder of BASF Agrochemical Products B.V.

BASF Agrochemical Products B.V., Puerto Rico Branch, d/b/a/ BASF Agricultural Products de Puerto Rico, has not operated or been incorporated under any other name.

3. *Identify all changes in ownership relating to the Company from its date of incorporation to the present, including the date of any ownership change. If any owner was/is a corporation, identify if the corporation was a subsidiary or division of another corporation. In your identification of any*



*corporation, it is requested that you provide the full corporate name, the state/commonwealth of incorporation, and all fictitious names used/held by that corporation.*

Response: No changes in ownership.

4. *For each owner that is a subsidiary of another corporation identified in your answer to Request #3 above, please provide a chart that details the corporate structure from that other company through all intermediary entities to the ultimate corporate parent. For purposes of this information request, the term "ultimate corporate parent" means the corporate entity that, while owning or controlling the majority of the shares of common stock in a subsidiary corporation, is not primarily owned/controlled by another corporation.*

Response: See Response to Request No. 3 above.

5. *Describe any asset purchase agreements, whereby some or all of the assets of Cyanamid Agricultural de Puerto Rico, Inc. were ever sold to any other entity, including the date(s) the companies involved, and the terms of such asset purchase agreement(s). Please also provide information and supporting documentation relating to the July 1, 2000 acquisition of Cyanamid Agricultural de Puerto Rico, Inc. by BASF Aktiengesellschaft and the concurrent transfer of Cyanamid Agricultural de Puerto Rico, Inc.'s net assets, liabilities, and intangibles to the Company.*

Response: In 2000, BASF Aktiengesellschaft (as Buyer, n/k/a BASF S.E.) acquired certain assets of American Cyanamid Company and American Home Product Corporation (as Sellers) and assumed certain liabilities of Seller and Cyanamid Agricultural de Puerto Rico, Inc. ("CAPRI") which existed on or after the Closing pursuant to certain agreements.

6. *Indicate whether the Company is the successor to any liabilities, including those under CERCLA, of Cyanamid Agricultural de Puerto Rico, Inc.*

Response: See Response to Request No. 5 above. Whether the Company assumed the liabilities of CAPRI under CERCLA is being evaluated.

7. *Provide copies of the Company's authority to do business in Puerto Rico. Include all authorizations, withdrawals, suspensions, and reinstatements.*

Response: A copy of the Certificate of Good Standing for BASF Agrochemical Products B.V. (Register No. 11431), dated February 4, 2019, was within the documents provided at the link shared with our initial response. See Bates No. BAPBV0000001.

25. *List and provide a copy of all agreements or contracts, including but not limited to insurance policies and indemnification agreements, held or entered into by the Company or its parent corporation(s), subsidiary, or subsidiaries that could indemnify it against any liability that it may have under CERCLA for releases or threatened releases of hazardous substances at and from the Facility. In response to this Request, please provide not only those insurance policies and agreements that currently are in effect, but also provide those that were in effect during the period(s) when any hazardous substances, hazardous*



*wastes, and/or industrial wastes may have been released or threatened to be released into the environment at or from the Facility.*

Response: To date, the Company has been unable to locate any insurance policies that may have been maintained by Cyanamid prior to the 2000 acquisition. If any applicable policies are located, a supplemental response will be provided. With regard to potentially applicable indemnification agreements, whether the Company has the right to seek indemnity for certain matters, including potentially the release or threatened release at, on or beneath any third-party waste disposal site, is being evaluated.

## CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

Commonwealth of Puerto Rico  
Municipality of Manatí

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

By: Ricardo Morales, Site Director  
BASF Agrochemical Products B.V., Puerto Rico Branch

AFFIDAVIT: -4,120-

Sworn to before me this 18th day of June, 2019.

Notary Public

#17,394

